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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,988	02/11/2004	Andrew J. Pennella	6579-0002-1	6097

7590 12/04/2006
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EXAMINER

HAMILTON, ISAAC N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,988

Applicant(s)

PENNELLA, ANDREW J.

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 4,8,10 and 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,11,15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The rejection made under 35 USC 112 is hereby withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-7, 9, 11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Keene (2,327,192). Keene discloses razor body 5, 7; reservoir 15; interior area is disposed within reservoir 15; finger-operated button actuator 9, 23; non-dispensing position shown in figure 2; dispensing position is when actuator 9 is pressed; dispensing means 7, 11; receptacle 15 is integral with razor body 5, 7; manually depressible button 23; nozzle 7, 11; razor cartridge 14; method disclosed on page 2, lines 10-23; razor cartridge 14 is releasably mounted via element 13; shaving cream is available in gels and foams.
4. Claims 1, 2, 7, 9, 11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Galli, Jr. (4,177,556). Galli, Jr. discloses razor body 12, 20; reservoir 22; interior area is disposed within reservoir 22; finger-operated button actuator 44, 50; non-dispensing position shown in figure 2; dispensing position is when actuator 44, 50 is pressed; dispensing means 18, 32, 34; receptacle 22 is integral with razor body 12, 20; nozzle 32, 34; razor cartridge 16; method disclosed in the abstract; razor cartridge 16 is releasably mounted in column 2, lines 11-15.

Response to Arguments

Applicant asserts that Keene does not disclose a finger operated button actuator located on the razor body for selectively causing an amount of shaving aid to flow out of the interior area upon movement between non-dispensing and dispensing positions. Applicant states that Keene illustrates a slide valve located in a nozzle that is used in combination with a sleeve for selectively causing an amount of shaving aid to flow out of the interior area upon movement of the slide valve between non-dispensing and dispensing positions. Applicant believes that since the slide valve and the sleeve, which increases pressure in the reservoir, work in concert, the slide valve does not cause an amount of shaving aid to flow out of the reservoir when the slide valve is depressed in a dispensing position. However, the limitation of "a finger-operated button actuator located on the razor body for selectively causing an amount of said shaving aid to flow out of said interior area upon movement between a non-dispensing position... and a dispensing position" does not preclude then finger-operated button actuator from working in concert with another element in order to dispense the shaving aid.

Applicant asserts that Galli, Jr. does not disclose a razor including a shaving aid applicator comprising a razor body, a reservoir coupled to the razor body, wherein the reservoir defines an interior area adapted to retain a quantity of shaving aid therein. Applicant states that element 22 in Galli, Jr. is not a reservoir, and instead is a tube connecting the razor to a water supply, wherein based on the plain meanings of the terms "tube" and "reservoir," a tube that is connected to a water supply is not a reservoir. Using the Merriam-Webster Collegiate Dictionary, Tenth Edition, the following definitions were obtained. A "tube" is defined as any of various usually cylindrical structures or devices: as a: a hollow elongated cylinder; especially

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one to convey fluids b: a soft tubular container whose contents can be removed by squeezing. A "reservoir" is defined as a place where something is kept in store: as a: an artificial lake where water is collected and kept in quantity for use b: a part of an apparatus in which a liquid is held. From the preceding definitions, element 22 in Galli, Jr. is a tube because element 22 certainly is a hollow cylinder that conveys fluids, and it is a reservoir because when finger-operated button actuator 44, 50 is in a non-dispensing position, the water is kept in store inside element 22.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

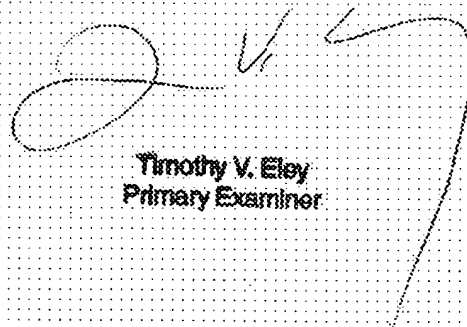
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

III

November 16, 2006



Timothy V. Eley
Primary Examiner